# **Iowa Board of Cosmetology Arts and Sciences**

# Report from the Ad Hoc Study Committee on the Use of Lasers and Intense Pulse Light Devices and the Supervision of These Services

#### Accepted by the Board on May 14, 2007

**Background:** In 2004, the Iowa Legislature passed revisions to Chapter 157 of the Iowa Code that set guidelines for licensees of the Board of Cosmetology Arts and Sciences (the Board) relating to the use of specific skin care procedures, such as microdermabrasion, chemical peels, laser and intense pulse light (IPL). In 2006, the Board proposed drafting "scope of practice" rules to clarify the use of laser and IPL by individuals licensed by the Board and which would have imposed stricter physician oversight. These proposed rules were perceived by members of the cosmetology industry as limiting their livelihood and were considered by the professionals as an unnecessary oversight.

At the August 2006 meeting, the Board established an ad hoc study committee. The purpose of the committee was to review issues and formulate an opinion concerning the use of lasers and IPLs. The committee would also review the level of physician supervision necessary for public protection when those procedures were performed in the salon or spa environment.

**Committee Membership:** Chairman Jack Morlan appointed three members of the Board to the study committee. The committee members were:

Lois Leytem, educator on the Board, study committee chair; Mary Beth Myers, esthetician appointed to the Board; Jack Morlan, Board member and cosmetologist with knowledge and training in laser technology.

The mission of the study committee was to network with professionals in the cosmetology, esthetic, and electrology fields to gain knowledge and understanding of the processes and training involved in these services. The committee would weigh that information against the concerns of the medical board and medical societies. Ultimately, this would allow the study committee to better understand the issues

surrounding these services, keeping in mind that the protection of the public is the primary concern of the Board.

## **Study Committee Meetings:**

On October 30, 2006, the study committee met at the Lucas State Office Building. Attending this meeting were representatives of the Iowa Board of Medicine, Iowa Medical Society (IMS), Iowa Osteopathic Medical Association (IOMA), and Cosmetology and Barbers of Iowa (CBI). Each board and association provided information clarifying their position on the issues, as well as other states' statutes and rules requirements. A summary report was presented to the Board at the November 1, 2006, meeting.

On January 8, 2007, the study committee held a public meeting to provide an opportunity for licensed estheticians, cosmetologists and others to address the practices and issues relating to the utilization of lasers, IPLs and LEDs in the salon or spa setting. A public media advisory was issued by the Iowa Department of Public Health identifying the purpose, time and place of the meeting. Thirty-one participants, including estheticians, electrologists, cosmetologists, massage therapists, a licensed practical nurse, a physician, a salon owner and an insurance representative, presented their opinions on the topics of discussion. The presenters were required to provide written documentation supporting their positions to be included in the study findings.

The opinion of the majority of participants was that general supervision is restrictive, costly, and unnecessary due to the education and training of the licensed individuals performing the services. The majority of presenters favored having the state impose higher education and training standards for licensure and/or certification. Many participants agreed that certification should come from the laser company's qualified and experienced laser educator when the professionals are trained.

In addition to the comments pertaining to laser technologies, many participants disagreed with the state's ruling on microdermabrasion and chemical peels. They felt evidence did not support the current restrictions in place for microdermabrasion and chemical peels.

## Definitions: as per Iowa Code 157

**Laser**: Light amplification by the stimulated emission of radiation. **Intense Pulsed Light**: A device that uses incoherent light to destroy the vein of the hair bulb.

**General Supervision**: means the supervising physician is not on site for laser procedures or use of an IPL device for hair removal conducted on minors, but is available for direct communication, either in person or by telephone, radio, radiotelephone, television or similar means.

**Federal Regulation of Lasers, IPLs and LEDs**: The Federal government regulates the light-emitting devices and restricts the purchase of some devices to physicians only. However, the government does not categorize the devices by safety levels, nor does it regulate who may use or purchase the devices referred to in this study.

**State Regulation of Lasers, IPLs and LEDs**: There is little state regulation by the medical board on the devices except in the area of "medical lasers" used in the practice of medicine. Use of these machines is limited to physicians or personnel under physician supervision. Many state medical boards have made exceptions for machines used for laser hair removal and other minor procedures.

Iowa Code Chapter 157.3A(5) states certified laser products shall only be used on "surface epidermal layers" of the skin except for hair removal. Iowa Code 157.2(5) specifically states "persons licensed under this chapter shall only use IPL devices for the purposes of hair removal."

Regulatory Options for Iowa: It is the position of the Board that further legislation in this area in the near future is not necessary. Licensees who provide services that affect tissue below the outer epidermal layer or who use an IPL device for any service other than hair removal are in violation of Iowa Code 157. The committee concluded that proposed Administrative Rule Chapter 66 covering laser therapies and light-emitting devices should not be pursued. New administrative rules providing minimal clarification of Iowa Code Chapter 157 are recommended. These rules should take into consideration the concerns expressed by the industry representatives.

**Summary:** In the Policy Statement issued in March 2006, the Board of Medical Examiners stated that the issue of laser technologies involves a broad range of changing technologies and significant scope of practice implications and that unregulated use of these devices is an increasing concern for public safety. The Cosmetology Arts and Science Board is in agreement with the Board of Medical Examiners summary. In addition, the study committee concluded the following:

- 1. The primary focus of the Board must include an awareness of the risks in this very dynamic and growing industry and how those services impact the protection of the public.
- 2. Persons licensed by the Board are accountable for practicing within the scope of practice of the individual's license, including appropriate certification.
- 3. Licensees must obtain the initial training and state certification on each machine utilized in their practice.

**Policy Statement**: This policy statement is advisory in nature only. It is a method for the Board to express its safety concerns; provide the public, licensees, and interested parties with the history, rationale, and direction the Board took in determining the regulation of laser, IPL and LED use; and determine where physician oversight is needed.